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WHEREAS, a petition to vacate a dedicated utility easement within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master")

Plan by vacating a utility easement.

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-4-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated utility easement within the City of Fort Wayne, more specifically described as follows, to-wit:

A fourteen (14) foot utility easement located at the north seven (7) feet of Lot 6 and the south seven (7) feet of Lot 3 and Lot 4 of Summit Industrial Park, except the twenty (20) most western feet of Lot 6 and ten (10) most eastern feet of Lot 6 and the twenty (20) most western feet of Lot 3 and the ten (10) most eastern feet of Lot 4.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary

approval by the Mayor. Janet G. Bradbury APPROVED AS TO FORM AND LEGALITY: J. TIMOTHY MCCAULAY, CITY ATTORNEY ** Public hearing to be held on Juesday the 27th day of mand in the Council Chambers. Sandra E. Kennedy, City Clerk

BILL NO. G-90- 02-26

GENERAL ORDINANCE NO. G-

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a utility easement.

WHEREAS, a petition to vacate a dedicated utility easement within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-4-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated utility easement within the City of Fort Wayne, more specifically described as follows, to-wit:

A fourteen (14) foot utility easement located at the north seven (7) feet of Lot 6 and the south seven (7) feet of Lot 3 and Lot 4 of Summit Industrial Park,

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

COUNCILMEMBER COUNCILMEMBER

419

APPROVED AS TO FORM AND LEGALITY: J. TIMOTHY MCCAULAY, CITY ATTORNEY ** Public hearing to be held on the ____day of ____ in the Council Chambers. Sandra E. Kennedy, City Clerk

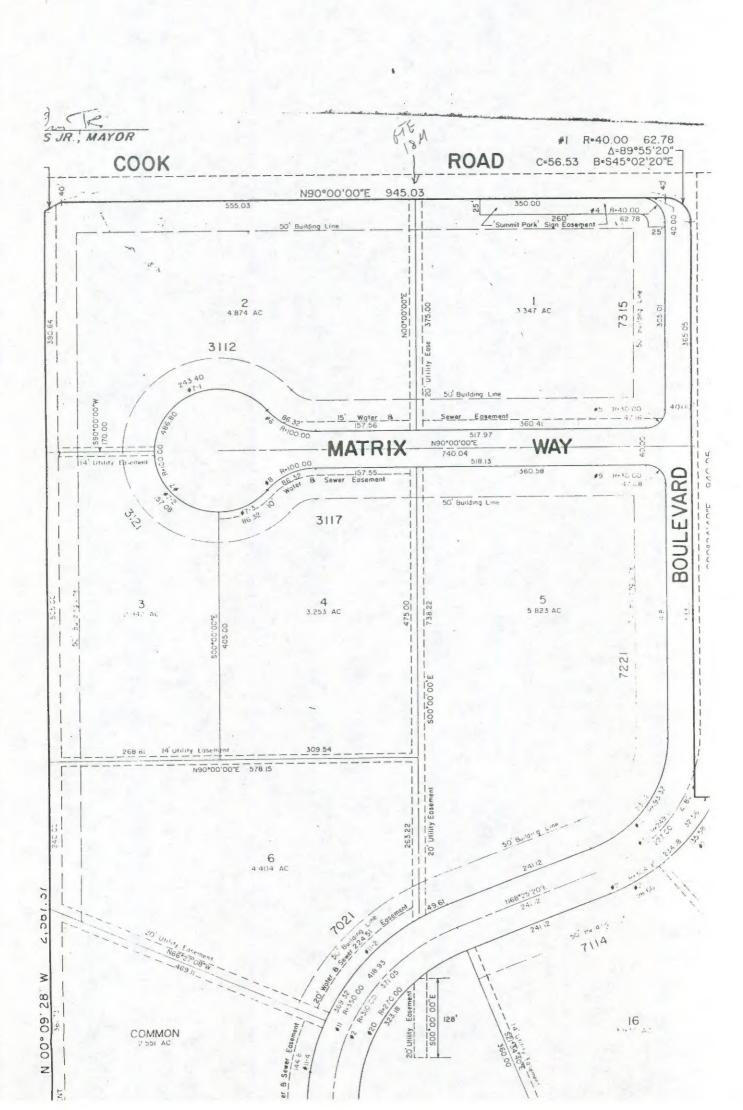
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title and referred to	the Committee of	on adopted,	ullility	(and the
City Plan Commission :	for recommendati	ion) and Pub/	c Hearing to	be held after
due legal notice, at				
Building, Fort Wayne, of	/	at /	o'clock	M,,E.S.T.
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DATED:	1-20	CANDDA	1. 11	
			E. KENNEDY, CI	
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seconded by \	ne following vot	duly adopted	l, placed on i	ts passage.
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Sandra F. Ken			rle.	- 0 -
Handra G. Aen	nedy	797	7	0.
SANDRA E. KENNEDY, CIT	Y CLERK	PRESIDI	NG OFFICER	
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the 28th	day of	mar	1	1950
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at the hour of/	o'clock			11
		1	dia E. A	Vanned 111
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			E. KENNEDY, C	
Approved and si	igned by me this	Z8+ day	of March	h ,
19 90, at the hour			0.	
, at the hour	VI.	o clock	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
			/ ////	
		DATE	I NAME AVADO	*

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		Vacation	n Petition	2
I/We Fort Wa	ayne Redevelop	ment Commis	sion	
	cant's Name			-
PETITION TO	VACATE Four	rteen (14)	foot utility easement	
			ley, Utility Easement	, Plat,
Other)	90			
	TY PLAN COMM F FORT WAYNE		A	
The und	dersigned pe	titioner	(s), do (does) hereby	respectfull
petition th	ne Fort Wa	yne City	Plan Commission to	vacate th
following_f	ourteen foot u	utility eas	ement with the	City of For
Wayne, India	ana, and her	eby desc	ribed as follows:	
A fourteen (14) foot utility	/ easement	located at the north sever	feet of Lot 6
and the south	seven feet of	Lot 3 and	Lot 4 of Summit Industria	Park.
				f addition
space is need			,	
In support follows:	thereof,	your pe	titioner(s) would	represent a
(List reason	ns for reque	sting va	cation.)	
The Redevelopm	ment Commission	owns Lots	3,4, and 6 of Summit Indu	strial Park.
It has an offe	r to purchase	Lots 1,2,3	,4 and 6 of Summit Industr	rial Park which
is subject to	thic utility	ascomont bo	ing vacated.	
15 Subject to	ciiis dellicy e	asement be	ing vacated.	
(If addition	nal space is	needed	use reverse side.)	
				the authoris
granted in	Indiana Cod	de, and r	etition pursuant to provisions of local as described.	ordinance,
where where with the contract	ORE, your pe	etitioner be v	(s) pray that the aboacated according to t	ve describe
of the Indi	ana Law pert	caining t	hereto.	- "
DATED THIS_	9th D2	AY OF F	ebruary	1990
Fort Wayne Red	development Com	mission	Rondoll.	(00)
1010 110110 1100			Adjacent Property C Typed Name	wner
Adjacent Pr			Typed Hame	
Adjacent Pr Typed Name		Bldg.	Types name	
Adjacent Pr		Bldg.	Address	Zi
Adjacent Pr Typed Name Main St 8	40 City-County			

Legal Description of Property:	
	— V .
Additional Reasons for Vacation Request:	
Owners of Adjacent Property:	
Adjacent Property Address/Zip Owners TYPED Name	Signature
NOTICE:	
FILING OF THIS APPLICATION GRANTS THE PERMISSION TO POST "OFFICIAL NOTICE" ON TH	
FAILURE TO POST, OR TO MAINTAIN POSTING HEARING FROM BEING HELD.	CAN PREVENT THE PUBLIC
This form is to be filed in duplicate.	
AGENT:	
Name	
1 Main st Rm. 840 City-County Bldg.	
Street Address	
Fort Wayne, IN 46802	
City/State/Zip	

(219) 427-1127 Phone



Date Filed: February 9, 1990
Vacation Petition
I/We Fort Wayne Redevelopment Commission
(Applicant's Name or Names)
PETITION TO VACATE Fourteen (14) foot utility easement
(Street, Alley, Utility Easement, Plat,
Other)
TO: THE CITY PLAN COMMISSION CITY OF FORT WAYNE, INDIANA
The undersigned petitioner(s), do (does) hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following Fourteen (14) foot utility easement with the City of Fort
Wayne, Indiana, and hereby described as follows: A fourteen (14) foot utility easement located at the north seven feet of
Lot 6 and the south seven feet of Lot 3 and Lot 4 of Summit Industrial Park,
except for the twenty (20) most western feet of Lot 6 and the ten (10) most
eastern feet of Lot 6 and the twenty (20) most western feet of Lot 3 and the ten (10) most eastern feet of Lot 4. (Legal Description of property being vacated) If additional space is needed use reverse side.)
In support thereof, your petitioner(s) would represent as follows:
(List reasons for requesting vacation.) The Redevelopment Commission owns Lots 3, 4, and 6 of Summit Industrial Park.
It has an offer to purchase Lots 1, 2, 3, 4 and 6 of Summit Industrial Park
which is subject to this utility easement being vacated.
(If additional space is needed use reverse side.)
Your petitioner(s) file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance, in order to complete the vacation as described.
WHEREFORE, your petitioner(s) pray that the above described utility easement be vacated according to the provisions of the Indiana Law pertaining thereto.
0.0
DATED THIS 9th DAY OF February 19 90
Fort Wayne Redevelopment Commission
Adjacent Property Owner Typed Name Typed Name
1 Main St 840 City-County Bldg.
Address Fort Wayne, IN 46802 Zip Address Zip
(and I teleto

Legal Description of Property:
Additional Reasons for Vacation Request:
Owners of Adjacent Property:
Adjacent Property Address/Zip Signature Owners TYPED Name
NOTICE:
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYN PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.
FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLI HEARING FROM BEING HELD.
This form is to be filed in duplicate.
AGENT:
Name 8 roll Letelle
1 Main st Rm. 840 City-County Bldg.
Street Address
Fort Wayne, IN 46802
City/State/Zip

(219) 427-1127 Phone

RESOLUTION

Phy

WHEREAS, the FORT WAYNE REDEVELOPMENT COMMISSION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following utility easement situated in Fort Wayne, Allen County, to-wit:

A 14 foot utility easement located at the north 7 feet of Lot 6 and the south 7 feet of Lot 3 and Lot 4 of Summit Industrial Park, except for the 20 most western feet of Lot 6 and the 10 most eastern feet of Lot 6, and the 20 most western feet of Lot 3 and the 10 most eastern feet of Lot 4,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on February 26, 1990 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said utility easement.

WHEREAS, said vacation of the utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said utility easement in Allen County, Indiana.

STATE OF INDIANA)
, SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held March 5, 1990, and as the same appears of record in the official records of said Plan Commission.

Secretary

DATED THIS 6 DAY OF March	1990
FORT WAYNE CITY PLAN COMMISSION	
Robert Hutner	

RESOLUTION 78-189-8

WHEREAS, the FORT WAYNE REDEVELOPMENT COMMISSION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following utility easement situated in Fort Wayne, Allen County, to-wit:

A 14 foot utility easement located at the north 7 feet of Lot 6 and the south 7 feet of Lot 3 and Lot 4 of Summit Industrial Park, except for the 20 most western feet of Lot 6 and the 10 most eastern feet of Lot 6, and the 20 most western feet of Lot 3 and the 10 most eastern feet of Lot 4,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of the utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)) SS: COUNTY OF ALLEN) I, And Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort DATED THIS I MAY OF March FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton

Director of Public Works

Michael McAlexander øf Director Public **\$afety**

Douglas/M. Lehman

Director of Administration & Finance

XMM originary

DIGEST SHEET



TITLE OF	ORDINANCE	Utility Ea	sement Vacation Ordinance
DEPARTME	NT REQUESTING ORDI	NANCE	Land Use Management - C&ED
SYNOPSIS	OF ORDINANCE	A fourteen	(14) foot utility easement located at
	the north seven (7)	feet of Lo	t 6 and the south seven (7) feet of Lot 3
	and Lot 4 of Summit	Industrial	Park.
			17-90-02-26
			17-90-02-26 assamended
EPERCE OF	Proper	ty is preser	ntly a dedicated utility easement.
EFFECT OF			evert to the adjacent property owners.
•			one adjacent property owners.
		Dooposty	11
EFFECT OF	NON-PASSAGE	Property wi	11 remain a dedicated utility easement.
MONEY INV	OLVED (Direct Cos	ts, Expend	ditures, Savings)
•			
(ASSIGN T	O COMMITTEE (J.N.)	

FACT SHEET

G-90-02-26

BILL NUMBER

Division of Community Development & Planning

Development & Planning APPROVAL DEADLINE REASON BRIEF TITLE Utility Easement Vacation DETAILS Specific Location and/or Address Summit Industrial Park Reason for Project Future sale of lots. Discussion (Including relationship to other Council actions) 26 February 1990 - Public Hearing Ron Fletcher, Director of the Fort Wayne Redevelopment Commission appeared before the Commission. Mr. Fletcher stated that the Redevelopment Commission owns in Summit Industrial Park Lots 1, 2, 3, 4 & 6. He stated that they are requesting the vacation of the easements and right-of-way to allow the Commission to sell the parcels as one parcel for one development. There was no one else present who wished to speak in favor of or in opposition to the proposed vacation. 5 March 1990 - Business Meeting Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Of the seven members present six (6) voted in favor of the motion, one (1) did not vote. Motion carried.

POSITIONS RECOMMENDATIONS Sponsor City Plan Commission Area Affected City Wide Other Areas Applicants/ Applicant(s) **Proponents** Fort Wayne Redevelopment Commission City Department Other Opponents Groups or Individuals Basis of Opposition Staff X For Against Recommendation Reason Against By Board or Commission Recommendation X For □ Against No Action Taken For with revisions to conditions (See Details column for conditions) Pass CITY COUNCIL Other **ACTIONS** Pass (as Hold (For Council amended) use only) Council Sub. Do not pass

S		POLICY/ PROGR	CAM IMPACT
		Policy or Program Change	No Yes
-		Operational Impact Assessment	
			space for further discussion)
Project Start	Date 12 Fe	ebruary 1990	
Projected Completion or Occupancy	Date 6 Ma	arch 1990	
Fact Sheet Prepared by Patricia Biancaniello	Date 6 M	arch 1990	
Reviewed by ** Nampleon**	Date 5/1/	9 J	

BILL NO. G-90-02-26 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

<u>JANET G. BRADBURY, CHAIRPERSON</u> <u>DAVID C. LONG, VICE CHAIRMAN</u> <u>EDMONDS, SCHMIDT, TALARICO</u>

WE, YOUR COMMITTEE ON_			WHOM WAS
REFERRED AN (ORDINANCE Plan of the City Compre easement) (RXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	amending t Plan by va	he Thoroughf cating a uti
HAVE HAD SAID (ORDINAN AND BEG LEAVE TO REPOR (ORDINANCE) (RESOLU	T BACK TO THE COMM	UNDER CON COUNCIL T	SIDERATION CHAT SAID
net & Bradfury	NOT PASS	ABSTAIN	NO REC
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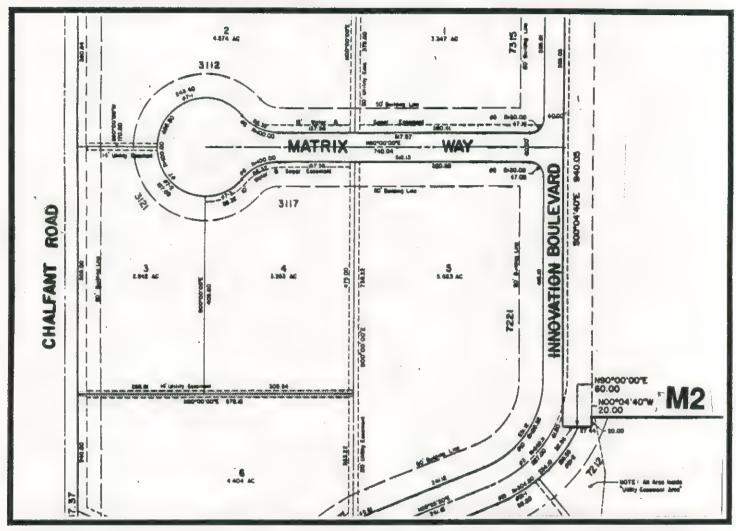
DATED: 3-27-90.

VACATION PETITION #4/19

A PETITION TO VACATE THE DESCRIBED FOURTEEN FOOT UTILITY EASMENT.

MAP NO. I-42

COUNCILMANIC DISTRICT NO. 3



ZONING:

M2 LIGHT INDUSTRY

LAND USE:

☐ COMMERCIAL

SCALE: NTS DATE: 2-6-90





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

March 14, 1990

Ms. Connie Lambert Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of March 17, 1990, in both the News Sentinel and Journal Gazette.

> Legal Notice for Common Council RE: of Fort Wayne, IN

> > Bill No. G-90-02-22 Right of Way Vacation

Bill No. G-90-02-23 (as amended) Water and Sewer Easement

Bill No. G-90-02-24) Water and Sewer Easement

Bill No. G-90-02-25 (as amended) Utility Easement

Bill No. G-90-02-26 (as amended) Utility Easement

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Kennedys Sandra E. Kennedy

City Clerk

SEK/ne ENCL: 5 NOTICE OF PUBLIC HEARING FORT WAYNE COMMON COUNCIL (BILL NO. G-90-02-26) (AS AMENDED)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, March 27, 1990, at 7:00 P.M., in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

> Summit Industrial Park - Future sale of lots-Utility easement - Councilmanic District #3

> A fourteen (14) foot utility easement located at the north seven (7) feet of Lot 6 and the south seven (7) feet of Lot 3 and Lot 4 of Summit Industrial Park, except the twenty (20) most western feet of Lot 6 and ten (10) most eastern feet of Lot 6 and the twenty (20) most western feet of Lot 3 and the ten

(10) most eastern feet of Lot 4

All interested persons are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy

City Clerk

TOTAL MUNIC COMMON	Council To:	General Form No. 99 The Journal-Gazette	
(Governmental U	10;	P.O. Box 100	
Allen	County, Indiana	Fort Wayne, IN	
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Number of insertions1 Size of type6 point Pursuant to the provisions I hereby certify that the foclaimed is legally due, aft same has been paid. Date: March _ 17 NOTICE OF PUBLIC HEARING FORT WAYNE COMMON COUNCIL (BILL NO. G-90-02-26) ENDED) eishereby given that the Fort Wayne Common of the City of Fort Wayne, will conduct a public on Tuesday, March 27, 1990, at 7:00 P.M. in 28, City-County Building, One Main Street, yne, Indiana, more particularly described as nit Industrial Park - Future sale of lots - Utility int - Councilmanic District #3 riteen (14) foot utility easement located at the ven (7) feet of Lot 6 and the south seven (7).	and penalties of Chapter 155, Acts 195 pregoing account is just and correct, the er allowing all just credits, and that and the er allowing all just credits, and that and the er allowing all just credits, and that are allowed as a second part of the and the er allowed and published in the correct and provided and published in the er allowed and pub	Clerk	ys that he/ of general
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Fort Wayne Common		To:	The News-Senti	nel
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Pursuant to the provisions I hereby certify that the fi claimed is legally due, af	foregoing account is i	iust and correct, th	nat the amount	- 00 A
same has been paid.			Moole	Allied
Date: March 17	, 1990	Title:	Clerk	K
	DIID	LISHER'S AFF	IDAVIT	
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	State of Indiana)	ss:		
NOTICE OF PUBLIC HEARING FORT WAYNE COMMON COUNCIL	Allen County)			V Lety 1
(BILL NO. G-90-02-26) MENDED) The is hereby given that the Fort Wayne Common of the City of Fort Wayne, will conduct a public on Tuesday, March 27, 1990, at 7:00 P.M. in 128, City-County Building, One Main Street, ayne, Indiana, more particularly described as	NT -	ed before me, a no		aid county and state, the
mit Industrial Park - Future sale of lots -Utility	undersignedshe isClerk	of the	The News-Sentinel	newspaper of general
ent - Councilmanic District #3 Inteen (14) foot utility easement located at the even (7) feet of Lot 6 and the south seven (7) Lot 3 and Lot 4 of Summit Industrial Park, the twenty (20) most western feet of Lot 6 and the sevent foot for 6 and 10 most extent feet of Lot 6 and 10 most extent feet feet of Lot 6 and 10 most extent feet feet feet feet feet feet feet	circulation printed	d and published i		in the (city) (town) of
nost western feet of Lot 3 and the ten (10) most	Fort Wayne, IN	III State and	*	that the printed matter
teet of Lot 4 terested persons are invited to appear and be Fort Wayne Common Council Sandra E. Kennedy			which was duly publis ublication being as follow	shed in said paper for ws:
City Clerk	3/17/90			
			1 1000	e relied
	Coherent de de	own to hofore me th	is 17th day of	March ,19 90
	Subscribed and swo	orn to before me th	1 all	640
			Notary P	rublic Whitley Cour
			SHELLE	EY R. LARUE
	My commission exp	pires: March 3	1994	187

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